



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2302799

Applicant Name: Terry Beals for Central Puget Sound Regional Transit Authority ("Sound Transit")

Address of Proposal: 2824 Rainier Avenue S.

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for future construction of a passenger terminal (Metro Transit bus layover facility) to support a light rail facility (Sound Transit's McClellan Street Station). The project includes the demolition of an existing fast food restaurant and grading of 2,468 cy of material. An Environmental Impact Statement (EIS) was prepared by Sound Transit (issued November 1999).

The following approvals are required:

Essential Public Facilities – SMC Chapter 23.80

SEPA - for conditioning only – SMC Chapter 25.05.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS*
☐ DNS with conditions
☐ DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

BACKGROUND DATA

Site Location:

The subject property is located in South Seattle in the North Rainier Valley and is an irregularly shaped, "through" parcel abutting the west side of Martin Luther King Jr. Way S., the east side of Rainier Avenue S; and the south side of S. McClellan Street. The property's address is 2824 Rainier Avenue S.

* Final Environmental Impact Statement issued by Central Puget Sound Regional Transit Authority in November 1999. An addendum was issued in November, 2001.

Site Description:

The entire parcel measures 55,832sf. The southerly 33,876sf consists of the proposal site and is developed with a fast food restaurant (Kentucky Fried Chicken) and accessory parking. The remaining portion with frontage along S. McClellan Street is developed with a single story structure used as a wholesale food processing business. The topography of the site is level ground and is entirely covered with impervious surface except for a small amount of formal landscaping along Rainier Avenue S. There is an existing curbcut on Martin Luther King Jr. Way S. and two curbcuts providing access to Rainier Avenue S.

Zoning:

The property is zoned Neighborhood Commercial 3 with a 65-foot height limit (NC-3/65) and is also located within the planning boundaries of the North Rainier Hub Urban Village and Southeast Seattle Reinvestment Area (SESRA) overlay district. In addition, the site is located in a light rail transit overlay. The site does not contain any mapped or observed Environmentally Critical Areas (ECAs).

Zoning in Vicinity:

This wedge-shaped portion of the Rainier Valley, generally, at the intersection of Rainier Avenue S. and Martin Luther King Jr. Way S. is predominately zoned NC3-65. The properties fronting the opposite side of Martin Luther King Jr. Way S. are zoned NC1-40 and the Franklin High School playfield is zoned SF 5000.

Uses in Vicinity:

The immediate neighborhood is predominately developed with commercial uses along the major arterials with single family residences further to the east beyond Martin Luther King Jr. Way S and office and manufacturing uses further to the west beyond Rainier Avenue S. Franklin High School is located to the east on the opposite side of Martin Luther King Jr. Way S.

Public Comments

The public comment period ended July 16, 2003. The Department received no comments concerning the proposal.

Project Description

The subject proposal is an element of Sound Transit's Central Link light rail C730/C740 segment along Martin Luther King Jr. Way South. The C730/C740 contract is a component of Sound Transit's Initial Segment that would ultimately connect downtown Seattle with the City of Tukwila. Under this application, Sound Transit proposes to (1) demolish an existing fast food restaurant at the site and (2) construct a "Bus Layover Facility" that would facilitate pedestrian movement and transit use between buses and light rail trains. Improvements to the site would include bus/passenger platform areas with open shelters, layover space for buses, a comfort facility for bus operators, and operations supervisor parking spaces. Busses would circulate in two directions on site, either entering or exiting from single 20-foot wide driveways onto Martin Luther King Way Jr. S. and/or from Rainier Avenue S. Perimeter landscaping and lighting would be provided. Proposed site grading consists of approximately 1,917 cubic yards of cut and 551 cubic yards of fill.

ANALYSIS – ESSENTIAL PUBLIC FACILITIES

Pursuant to SMC 23.80.002, in reviewing an application for a proposed essential public facility, the Director considers a specified set of criteria listed in SMC 23.80.004. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited:

SMC 23.80.004 A:

- 1. Interjurisdictional Analysis. A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county- wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.***

The proposed Central Link light rail system is a component of the region's voter-approved Sound Move, Sound Transit's 10-year program for regional high-capacity transportation. As part of the development of Sound Move, and the preparation of the Environmental Impact Statement for the Central Link light rail line, a wide range of alternative routes were considered before selecting the proposed route. To achieve its purpose, the Central Link light rail system would extend through the most heavily populated portions of King County and Seattle and would be located in several local jurisdictions between SeaTac and North Seattle. The overall design of the system was based on an interjurisdictional approach to transportation planning in the region.

- 2. Financial Analysis. A review to determine if the financial impact upon the City of Seattle can be reduced or avoided by intergovernmental agreement.***

The Final Environmental Impact Statement for the Central Link Light Rail Project addresses the potential impacts of the project, including the potential financial impact on the City of Seattle. The potential financial impact was considered by the Federal Transit Administration prior to issuance of its Record of Decision which included measures to mitigate potential impacts.

- 3. Special Purpose Districts. When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.***

Sound Transit is not a Special Purpose District. Nevertheless, the City has considered the Central Link Rail Project in its entirety. The City participated in preparation of the Sound Move plan and in the EIS for the Central Link Project and was actively involved in the siting decisions for the various segments of the Central Link Project. As part of planning for the Central Link Project, the City Council passed resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for the project in Seattle. The City's Comprehensive Plan directly supports the project. Comprehensive Plan Policy T34 calls for the City to support the development of an integrated regional transportation system that includes light rail. In addition, Policies T35 and T38.5 also address a potential light rail system.

4. ***Measures to Facilitate Siting. The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).***

The proposed facility would be compatible with the zoning and land uses in the area. Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

SMC 23.80.004 B:

This subsection states that if the decision maker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decision maker may establish conditions for the project for that purpose. Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

23.80.004 C: Light rail transit facilities.

1. ***Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones within the City of Seattle.***

The proposed element of the Central Link Light Rail Project is permitted in the subject Neighborhood Commercial 3 (NC3-65) zone.

2. ***The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.***

The City of Seattle City Council passed and the Mayor approved Resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for Sound Transit's Central Link Light Rail project in Seattle. The proposed demolition and construction of the "Bus Layover Facility" with perimeter landscaping are consistent with the approved Resolution.

3. ***When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the installation of tracks, below-grade facilities, minor alteration of light rail transit facilities involving no material expansion or change of use, and other minor new construction that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.***

This Master Use Permit application is for the demolition of an existing commercial structure and the installation of "Bus Layover Facility" and other minor improvements. The project is an integral part of the overall transit system. Sound Transit issued a Final FEIS for the proposed system in November of 1999 and Addendum to the Final EIS for the Initial Segment on November 16, 2001. The environmental documents identified potential impacts of the system

and its components, as well as adequate mitigation measures. Please refer below to the SEPA analysis related to the mitigation of the potential impacts of this project.

4. ***When approving light rail transit facilities, the Director may impose conditions to ensure consistency with the Seattle Design Guidelines for Link Light Rail to be developed by the City and Sound Transit.***

The City of Seattle has developed design guidelines to specifically address the Link light rail system under development by Sound Transit. The proposal is incidental to the functioning of the light rail system and no specific guidelines have been established for the subject site.

5. ***A Master Use Permit for light rail transit facilities shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the master use permit application.***

The City's Sound Transit Program Manager with the Seattle Department of Transportation (SDOT) reviewed the Financial Capacity Statement submitted by Sound Transit for the proposal. On June 27, 2003, the Program Manager confirmed that the Financial Capacity Statement meets applicable code criteria.

DECISION – ESSENTIAL PUBLIC FACILITY

The Essential Public Facility application request is **APPROVED**.

ANALYSIS - SEPA

Central Puget Sound Regional Transit Authority (Sound Transit) as lead agency has disclosed the environmental impacts of the proposed light rail stations in a Final Environmental Impact Statement (FEIS) issued in November of 1999. An addendum to the Final EIS for the Initial Segment was issued on November 16, 2001, which generally evaluated a reduced rail alignment (from 21 miles to an initial 14 mile segment). The Director hereby incorporates by reference the FEIS and the Addendum to the FEIS. The addendum concludes that there has been no substantial change in impacts from those identified in the foregoing EIS materials. The information in the EIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship among codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

Short-term Impacts

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from demolition and construction activities and hydrocarbon emissions from construction vehicles and equipment;
- potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;
- increased traffic and demand for parking from construction equipment and personnel;
- conflicts with normal pedestrian and vehicular movement adjacent to the site; and
- increased noise.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically, these codes and ordinances are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. PSCAA, the Department of Labor and Industry, and the Environmental Protection Agency (EPA) regulations provide for the safe removal and disposal of asbestos that may be encountered during the demolition of the site's existing structure. However, no permit process exists to ensure that PSCAA has been notified of the proposed building demolition and that asbestos has been removed from the site. Therefore, a condition shall be added requiring the applicant to submit to DCLU a copy of the PSCAA demolition permit prior to issuance of the Master Use Permit and demolition permit. This condition is imposed pursuant to SEPA authority to mitigate air quality, construction and environmental health impacts, SMC 25.05.675 A, B, and F.

Compliance with PSCAA regulations would mitigate any other potential adverse short term impacts to air associated with demolition and installation of equipment facilities.

Grading - Earth/Soils

Any additional information required to verify conformance with applicable ordinances and codes (The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) would be required prior to the issuance of demolition permits and any required construction permits for the proposal. The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current proposal involves grading of more than approximately 1,917 cubic yards of cut and 551 cubic yards of fill material.

The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Traffic and Parking

Construction traffic would only minimally increase congestion in the area, and the area has adequate street access to accommodate any increased traffic. Parking for construction personnel would be available on the subject site.

Therefore, no further mitigation for traffic and parking related impacts during construction is warranted pursuant to SEPA policies.

Noise

Demolition and other construction activities would generate short-term noise. The applicant states that all construction work would comply with the requirements of the Noise Ordinance. Because the proposal site is in a commercial neighborhood and the nearest residential receptors are more than a block away from the site, no conditioning of the project is warranted to mitigate noise impacts.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal, and include:

- Re-routing of bus traffic and an increase in pedestrian traffic crossing Rainier Avenue S.

Proposed right-of-way improvements to Rainier Avenue, including additional traffic signal and cross walk at S. Forrest Street would mitigate these impacts. No further mitigation is warranted.

CONCLUSION -SEPA

Applicable conditions of approval together with codes and development regulations applicable to this proposed project, provide sufficient mitigation for most impacts identified in the adopted environmental documents. However, additional conditioning to mitigate short-term noise impacts is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The DEIS and FEIS together with associated appendices and studies; the master use permit plans submitted on the project; and responses to requests for information all comprise DCLU's public record. Conditions imposed pursuant to SEPA assume installation of mitigating devices, structures and measures noted in the above analysis. Pursuant to SMC 25.05.600.D.1, DCLU relies on Sound Transit's FEIS in conditioning project approval.

DECISION - SEPA

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement issued by Sound Transit. DCLU has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is APPROVED subject to the conditions/mitigating measures noted at the conclusion of this report.

CONDITIONS - ESSENTIAL PUBLIC FACILITIES

NONE.

CONDITIONS - SEPA

The applicant (Sound Transit) shall:

During Construction

1. The owner(s) and/or responsible party(s) shall submit a copy to DCLU of any required PSCAA Demolition Permit(s).

For the Life of the Project

2. Comply with all conditions and mitigating measures listed herein and described in the adopted FEIS, including contractor's Special Provisions, for the proposal to the satisfaction of the City. For conditions which specify approval by a particular agency of the City or a State or Federal agency, that approval will constitute satisfactory compliance. Unless otherwise noted, DCLU shall determine the issue of satisfactory compliance with conditions imposed under City authority.

Signature: (signature on file) Date: October 6, 2003
Carol I. Proud, Senior Land Use Planner
Department of Construction and Land Use
Land Use Services